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STATUTORY INSTRUMENTS

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**2020 No. 1388**

The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020

PART 7

Amendments to domestic legislation not due to EU Exit

CHAPTER 2

Aquatic Animal Health

**The Aquatic Animal Health (England and Wales) Regulations 2009**

**40.**—(1) The Aquatic Animal Health (England and Wales) Regulations 2009<sup>(1)</sup> are amended as follows.

- (2) In regulation 3(1), for the definition of “the competent authority” substitute—  
““the competent authority” has the meaning given in regulation 3A;”;
- (3) After regulation 3 insert—

**“The competent authority**

**3A.** The Secretary of State is, in relation to England, and the Welsh Ministers are, in relation to Wales, the competent authority for the purposes of—

- (a) these Regulations;
- (b) Regulation (EC) No 1251/2008;
- (c) Commission Decision 2008/896/EC on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC<sup>(2)</sup>;
- (d) Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods<sup>(3)</sup>.”.
- (4) After Part 3 insert—

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(1) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.  
(2) OJ No L 322, 2.12.2008, p.30.  
(3) OJ No L 247, 23.9.2015, p.1.

## “PART 3A Quarantine

### Interpretation

**21A.** In this Part—

- (a) “Commission [Decision 2008/946/EC](#)” means “Commission [Decision 2008/946/EC](#) implementing Council [Directive 2006/88/EC](#) as regards requirements for quarantine of aquaculture animals<sup>(4)</sup>;
- (b) “declared disease-free” means declared disease-free in accordance with Article 49 or 50 of [Directive 2006/88/EC](#) as the case may be.

### Vector species

**21B.** An aquaculture animal intended for farming or restocking may only be introduced into a part of England or Wales which has been declared free of a disease for which that animal is a vector if it—

- (a) originates from another Member State, zone or compartment declared free of that specific disease; or
- (b) it has been, or will be, held in quarantine facilities in accordance with the requirements of Commission [Decision 2008/946/EC](#).

### Wild aquatic animals

**21C.** Wild aquatic animals of species susceptible to one or more of the diseases listed in Part 2 of Annex 4 to [Directive 2006/88/EC](#) caught in a Member State or zone or compartment not declared disease-free must be placed in quarantine in accordance with the requirements of Commission [Decision 2008/946/EC](#) before release into a farm or mollusc farming area in any part of England or Wales which has been declared disease-free.”.

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(4) OJ No L 337, 16.12.2008, p.94.